

## **REMARKS**

### **Interview Summary**

Applicant and Applicant's counsel thanks the Examiner for the telephonic interview conducted between the Examiner and Applicant's counsel on 28 January 2009. During the interview, Militana (U.S. Patent No. 3,019,790) and proposed claim amendments were discussed. An agreement was reached regarding the independent claim amendments and the new independent claim shown herein being allowable over the cited art. The Examiner stated that an additional search would be performed before deciding on allowance of the application.

### **Claim Status**

Claims 7, 8, 11 and 24-40 were pending in the present application. By virtue of this response, claims 1-6, 9-10, 12-27 and 34-40 are canceled, claims 7, 8, 11 and 33 have been amended and new claims 41-49 have been added. Accordingly, claims 7, 8, 11, 28-33, and 41-49 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

### **Rejections under 35 U.S.C. §102(b)**

Claims 7, 8, 11 and 28-31 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Militana (U.S. Patent No. 3,019,790).

Applicant has amended the claims as shown herein according to the telephone interview with the Examiner on 28 January 2009. Accordingly, applicant respectfully submits that independent claim 7 and dependent claims 8, 11, and 28-32 are allowable.

### **Rejections under 35 U.S.C. §103(a)**

Claims 32 and 33 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Militana (U.S. Patent No. 3,019,790).

Claims 32 and 33 are dependent from independent Claim 7. Accordingly, Applicant respectfully submits that Claims 32 and 33 are allowable for at least the same reasons at Claim 7.

**Rejection under Non-Statutory Double Patenting**

Claims 7, 8 and 11 are rejected on the ground of non-statutory obviousness-type double patenting as allegedly being unpatentable over claims 1, 2, 5-18 of U.S. Patent No. 6,706,048.

A terminal disclaimer is filed herewith for the present application with respect to U.S. Patent No. 6,706,048. U.S. Patent No. 6,706,048 and the present application are commonly owned.

### CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections and pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the appropriate fee and/or petition is not filed herewith and the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with this filing to Deposit Account No. 50-3973 referencing Attorney Docket No. FGRTNA00602. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,



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